

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

v. : CIVIL ACTION
:
:
:
:
: NO.

SPECIAL MANAGEMENT TRACK CASE

CASE MANAGEMENT POLICY

1. This case will be managed pursuant to the Manual on Complex Litigation, Third (the “Manual”). This case is exempt from mandatory disclosure; discovery will be managed by a separate order of this court consistent with the Federal Rules of Civil Procedure 16 and 26. (See Paragraph 6 below for anticipated interim procedure.)

2. The **initial pretrial conference** will be held when defense counsel has entered an appearance or within thirty (30) days after the filing of the response to the complaint. In anticipation of receipt of the order scheduling the initial pretrial conference, all parties in this case and cases likely to be the subject of pretrial consolidation, shall familiarize themselves with the Manual, the provisions of which generally will guide the management of this case. In particular, it is expected that counsel shall anticipate the agenda items for the initial pretrial conference set forth in Part IV, § 40.1; and Form 41.2 of the Manual, in order to facilitate preparation for the conference.

3. **Time and expense records.** All counsel who expect to make a claim for fees and costs are expected to make and maintain daily entries of time and expenses incurred in connection with this litigation. Subject to discussion at the initial pretrial conference, it is expected that the court will enter an order requiring that these records be made and maintained and filed with the court periodically during the litigation. These records shall be filed **under seal**. See Form 41.32 of the Manual.

4. **Admission of counsel pro hac vice** by motion and order, and retention of local counsel pursuant to Local Rule of Civil Procedure 13 (unless expressly waived by the court), will be required before an attorney who is not a member of the bar of this court takes any action in the case, including attending any conference with the court.

5. **Pleadings.** The court expects to approve stipulations granting defendant(s) a reasonable extension to a date certain within which to answer or otherwise move or to file counterclaims, if the time to do so will expire before the date expected or set for the initial pretrial conference. It is anticipated that at the initial pretrial conference a time will be set for the filing of all subsequent pleadings and any necessary joinder of third parties.

6. **Discovery.** Mandatory discovery may proceed, but it is expected that the court will stay all formal discovery in its order scheduling the initial pretrial conference, with formal discovery to be scheduled in the First Case Management Order following the initial conference.

7. **Communications with the court** and its staff will be done in accordance with the Notice to Counsel which accompanies this policy statement. In addition, counsel will be expected to confer among themselves with respect to any and all disputes and attempt to resolve them before approaching the judge for resolution.

8. **Duties of counsel.** Prior to the initial conference, it is expected that counsel will see that all appearances are on the docket and that the necessary consultation among the parties has taken place on all matters expected to be on the agenda for the initial pretrial conference, including the organization of counsel in multi-party or class actions. It is expected that a joint proposal for a case management order be prepared and presented at the initial pretrial conference, and that counsel of record attend the initial conference with the authority to agree and resolve all issues planned for the agenda of that conference.

9. To the extent that any provision of this policy statement conflicts with a specific case management or other order entered in this litigation, the case-specific order shall control.

10. Unexcused violations of scheduling or case management orders are subject to sanctions under Fed.R.Civ.P. 16(f), upon motion or the initiative of the court.

J.

Date: _____, 2001